

**CHAPTER NO. 819**

**HOUSE BILL NO. 139**

**By Representatives Shaw, Mike Turner**

**Substituted for: Senate Bill No. 413**

**By Senators Bowers, Harper, Finney**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 211, relative to landfills.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-105, is amended by deleting subsection (g) in its entirety and by substituting instead the following language:

(g) The commissioner shall not approve any plans submitted in accordance with subsection (b) unless the applicant has submitted:

(1) A comprehensive environmental site assessment that includes an evaluation of the quality of groundwater beneath the proposed facility. At a minimum, the applicant must provide analytical information for all constituents specified in regulations adopted by the board. The requirement for a comprehensive environmental site assessment shall apply only to new sites for proposed solid waste disposal facilities and does not include expansions, modifications, or new units for existing permitted facilities or sites; and

(2) Proof satisfactory to the commissioner that the geological formation of the proposed site and the design of the proposed facility are capable of containing the disposed wastes so that ground water protection standards are not exceeded.

SECTION 2. Tennessee Code Annotated, Section 68-211-107, is amended by adding the following language as a new subsection:

(c) The department shall require all solid waste disposal facilities to have a groundwater monitoring program and report sampling results to the department at least once each year. If sampling results indicate that ground water protection standards are exceeded, the owner or operator of the facility shall commence an assessment monitoring program in accordance with regulations adopted by the board and carry-out all corrective measures specified by the commissioner.

SECTION 3. Tennessee Code Annotated, Section 68-211-116, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) The performance bond required by this section shall be in the form and upon the terms specified by the board in regulations. Upon agreement of the parties, such terms may, in lieu of any specified forfeiture procedure, include a requirement for immediate payment to the department. At a minimum, such regulations shall provide for the following:

(1) A bond issued by a fidelity or surety company authorized to do business in this state;

(2) A corporate guarantee provided that the corporation passes any financial test specified by the board in regulations; and

(3) A personal bond supported by cash, securities, insurance policies, letters of credit and/or other collateral specified by the board in regulations.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

**PASSED: May 23, 2006**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 2nd day of June 2006**

  
PHIL BREDESEN, GOVERNOR